

Remarks

In response to the Office Action dated March 08, 2007, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 31-33 and 36-42 are currently pending. Claims 31-33, 36, 39, 41 and 42 have been amended. No new matter has been added. Applicant asserts that all claims are in condition for allowance as set forth more fully below.

Interview Summary

A phone interview was held on March 26 between Examiners Le, Matar, and the undersigned. During the interview it was discussed that Masek fails to describe all of the claim elements of base claims 33 and 36. It was also discussed that additional amendments may also be made in the interest of an efficient prosecution. The Examiner requested that formal arguments and amendments be forwarded for consideration.

103 Rejections

Claims 31-33 and 36-38

Claims 31-33 and 36-38 stand rejected under 35 USC 103(a) as being unpatentable over Masek (US Pat. 5,272,749) in view of Riskin (US Pat. 4,757,267) and further in view of Greenberg (US Pat App. 2001/0038624). Applicant respectfully traverses the rejections.

It is respectfully submitted that the combination of Masek, Riskin and Greenberg fails to describe each of the features recited in claim 31. For example, amended independent claim 31 recites, in pertinent part:

“[a] method for providing subscription code services in a geographical area, the method comprising...storing the subscription codes in a look up table...retrieving a telephone number from the look up table containing associations of the subscription code to multiple telephone numbers associated with multiple subscribers...”.

Masek describes that the telephone numbers are stored in a series of translation

library data tables and that each digit of the recognition sequence is analyzed separately and in order they were input into the scratch/match registers and translated into an output register. The final output is then located. (Col. 4, l. 42-Col. 5, l. 67). Such an elaborate and convoluted analysis scheme is not describing the use of a look up table containing associations of the subscription code to multiple telephone numbers.

Riskin describes using human operators or touch-tone technology to determine the product or service being sought by the caller. Riskin then uses the location of the caller's central telephone office to determine the closest vendor of that product or service. The central office location is determined using a "vertical-horizontal" file containing latitude and longitude information. Applicant respectfully points out that using latitude and longitude of the caller's central office and comparing that location to the various vendor locations to find a telephone number is not describing the use of a look up table because the only thing being looked up is the location of the caller's central office. The phone number is determined by an intervening "nearest neighbor" mathematical algorithm that determines the geographically closest vendor location to the central office. A mathematical algorithm is not a look up table.

Greenburg is concerned with IP telephony and does not appear to address storing subscription codes in a look up table or retrieving a telephone number from the look up table containing associations of the subscription code to multiple telephone numbers.

In light of the foregoing, Applicant respectfully asserts that none of Masek, Riskin, Greenburg or their combination appears to describe each and every claim element of claim 31. As such independent claim 31 is allowable over the combination of Masek, Riskin and Greenberg for at least this reason.

Further, it is respectfully asserted that the combination of Masek, Riskin and Greenberg also fails to describe "multiple telephone numbers associated with different subscribers corresponding to different originating regions based at least in part on the subscription code, the time of day when the call was initiated such that the telephone number retrieved is different at the time of day the call was initiated than it is for a call initiated at a second time of day, and the originating region determined for the call, wherein the telephone number is substantially permanently assigned to the subscription code".

Masek describes a telephone dialing system which translates a customer selected or created service code to a second number having a standard sequence. (Col. 3, l. 9-21). Riskin describes a dealer referral service to connect customers to nearby dealers. If Multiple dealers are equidistant, the customer is given a choice among a provided list. (Col. 1, l. 65-Col. 4, l. 11). The Office Action concedes, however, that the combination of Masek and Riskin fails to describe offering a caller a selection of different telephone numbers associated with different subscribers depending on the time of day. The Office Action relies on Greenberg to cure this deficiency of Masek and Riskin. Greenberg is particularly concerned with the use of IP telephony for contacting a single merchant by assessing a link on the merchant's web page which may route the customer's call to different phone numbers associated with the merchant. (Col. 8, Para. 0066). However, Greenberg fails to describe that the different telephone number selected based on the time of day is associated with a **different** subscriber than the subscriber based on the second time of day. At most, Greenberg merely discloses the subscriber may offer different telephone numbers to IP telephony users based on the time of day.

Furthermore, regarding the Office Action's assertion that retrieving different telephone numbers associated with different subscribers at different times of day is a popular feature in telecommunications systems, the Applicant respectfully disagrees with respect to the different telephone numbers being associated with different subscribers associated with a common subscription code, as recited in amended independent claim 31. To the extent the Office action is asserting Official Notice, the applicant traverses any Official Notice as not rising to the required standard of being of instant and unquestionable demonstration as being well-known and respectfully demands a written reference be provided.

Finally, Applicant respectfully asserts that there is no explicit or implicit motivation to combine Riskin with Masek as Masek is merely concerned with the digit-by-digit translation of a customer created telephone number into a standard telephone number and Riskin is merely concerned with using latitude and longitude to determine a phone number of the closest subscriber location. As noted in the previous responses, a reference must provide an explicit or implicit motivation, suggestion or teaching to combine references to be §103 prior art. See, *In Re Dembiczak*, 175 F.3d 994, 50

U.S.P.Q.2d (BNA) 1614 (Fed. Cir.1999).

In order to establish a motivation to combine, there must be some reasonable chance that such a combination would be successful. (MPEP 2143.02). Since Masek describes a digit-by-digit translation to come up with a specific telephone number and Riskin describes using a “closest neighbor” approach to find the specific telephone number, modifying the Masek translation method by the Riskin method would necessarily require that the principal of operation of Masek be changed or abandoned. Since the Masek digit-by-digit translation and Riskin’s nearest neighbor methods both are concerned with determining a single telephone number which to terminate the call, each method appears to be mutually exclusive of the other. (MPEP 2143.01). Therefore there would be no motivation for one of ordinary skill in the art to combine the Masek and Riskin references.

For at least the above reasons, the Office Action has failed to establish a prima facie conclusion of obviousness (MPEP 2143). As such, amended independent claim 31 is allowable over the combination of Masek, Riskin and Greenburg for at least the above reasons. Amended independent claims 33 and 36 contain similar subject matter and are therefore allowable for at least the same reasons. Claims 32 and 37-38 depend from an allowable independent claim 31 or 36 and are allowable for at least the same reasons.

Claims 31-32 and 36-38

Amended independent claim 31 recites additional subject matter not described by the combination of Masek, Riskin and Greenburg. Amended independent claim 31 recites, in pertinent part:

“...retrieving a telephone number from the look up table containing associations of the subscription code to multiple telephone numbers corresponding to **different originating regions based at least in part on the subscription code**...and the originating region determined for the call, wherein the telephone number is substantially permanently assigned to the subscription code...”.

The combination of Masek, Riskin and Greenburg fails to describe retrieving a telephone number from the look up table containing associations of the subscription code to multiple telephone numbers corresponding to “different originating regions based at least in part on the subscription code” and “offering a caller a selection of one of two or

more subscribers corresponding to the same subscription code”.

As discussed above, Masek describes the use of a custom dialing number that, when translated digit-by-digit, acts as an index to the subscriber’s true telephone number. Masek also teaches that the translation is limited to one geographic region as defined by the accompanying service area code (i.e. 702). Therefore, Masek teaches a geographically exclusive analysis. Either the translation/analysis is a local call (without the area code) or it is a long distance call (with the area code) (Col. 3, l. 9-67). It therefore appears that Masek cannot retrieve “a telephone number...containing associations of the subscription code to multiple telephone numbers corresponding to **different originating regions** based at least in part on the subscription code”. Masek does not appear to include a storage scheme containing subscription codes relating to telephone numbers corresponding to different originating regions.

Riskin describes using the latitude and longitude of the calling party’s central office and touchtone/human service to find the nearest location of the product or service. Riskin then dials the location. Similarly to Masek, Riskin uses a geographically exclusive analysis based on the location of the central office of the caller. (Col. 2, l. 60 – Col. 3, l. 67; Col. 8, l. 37-55). Therefore, it also appears that Riskin is incapable of “retrieving a telephone number...containing associations of the subscription code to multiple telephone numbers corresponding to **different originating regions** based at least in part on the subscription code”

Greenburg concerns itself with IP telephony and does not appear to describe retrieving a telephone number...containing associations of the subscription code to multiple telephone numbers **corresponding to different originating regions**. Therefore, since none of Masek, Riskin nor Greenberg describe “retrieving a telephone number...containing associations of the subscription code to multiple telephone numbers corresponding to different originating regions based at least in part on the subscription code” the Office Action has not established a prima facie conclusion of obviousness since the combination of Masek, Riskin and Greenberg fails to describe each and every claim element. As such, amended independent claim 31 is allowable over the combination of Masek, Riskin and Greenberg for at least these reasons. Amended independent claim 36 recites similar subject matter and therefore amended independent claim 36 is allowable

for at least the same reasons. Claims 32 and 37-38 depend from an allowable independent claim 31 or 36 and are therefore allowable for at least the same reasons.

Claim 33

Amended independent claim 33 recites, in pertinent part:

“[a] method for providing subscription code services in a geographical area, the method comprising... provisioning a customized dialing plan trigger at each of at least one switch within the geographical area, wherein the customized dialing plan trigger is adapted to detect calls initiated by callers using one of the subscription codes;

sending an Info_Analyze message to query the controller for call routing instructions when a call initiated by a caller using the subscription code is detected at a switch, the query including a translation type, an origination point code, the subscription code and a time of day when the call was initiated;

retrieving an Analyze_Route message containing a plurality of telephone numbers from the look up table containing associations of the subscription code to multiple telephone numbers based at least in part on the subscription code and the time of day when the call was initiated, wherein the telephone numbers are substantially permanently assigned to the subscription code...”

Applicant respectfully asserts that the combination of Masek, Riskin and Greenberg fails to describe the use of a customized dial plan trigger to detect the initial calls, the use of an Info_Analyze message to query the controller where the query includes a translation type, an origination point code, the subscription code and the time of day when the call was originated and the use of an Analyze_Route message. Support for each of these elements may be found in paragraphs 0038 and 0060-0062. As such, since independent claim 33 contains elements not described by the combination of Masek, Riskin and Greenberg independent claim 33 is allowable over the combination of Masek, Riskin and Greenberg for at least these additional reasons.

Claims 39-40 and 42

Claims 39-42 stand rejected under 35 USC 103(a) as being unpatentable over Masek in view of Riskin and further in view of Crockett (US Pat. 5,590,188). Applicant respectfully traverses the rejections.

Amended independent claims 39, 41 and 42 each recite similar recitations. As a representative sample, amended independent claim 39 recites, in pertinent part:

“[a] method for providing subscription code services in a geographical area, the method comprising...storing the subscription codes in a look up table...retrieving a plurality of telephone numbers from a **look up** table containing associations of the subscription code to multiple telephone numbers corresponding to different originating regions based at least in part on the subscription code and the originating region determined for the first call, wherein the telephone number is substantially permanently assigned to the subscription code...”.

Masek describes that the telephone numbers are stored in a series of translation library data tables and that each digit of the recognition sequence is analyzed separately and in the order they were input into the scratch/match registers and translated into an output register. The final telephone number is then located based on the output register. (Col. 4, l. 42-Col. 5, l. 67). Such an elaborate and convoluted analysis scheme is not describing the use of a look up table containing associations of the subscription code to multiple telephone numbers.

Riskin describes using human operators or touch-tone technology to determine the product or service being sought by the caller. As discussed above, the closest vendor is determined using a mathematical algorithm to find the closet location to the central office the location of which is looked up via a “vertical-horizontal” file containing latitude and longitude information of the central office. Applicant respectfully points out that using the latitude and longitude of the caller’s central office and comparing that location to the various locations to find a telephone number is not using a look up table to find a telephone number.

Crockett is concerned with using constraint and preference rules using a bias factor to direct calls to call centers and does not address storing the subscription codes in a look up table...[and] retrieving a telephone number from the look up table containing associations of the subscription code to multiple telephone numbers. Crockett more specifically describes making the call routing decision by starting with a list of valid destinations and applying a rule until a unique destination has been selected. (Col. 5, l. 54-65). Applicant respectfully points out that Crockett specifically describes using percentages and biases as part of the selection rules and does not describe using a look up table.

Therefore, Applicant respectfully asserts that none of Masek, Riskin, Crockett or

their combination appears to describe storing the subscription codes in a look up table and retrieving a telephone number from the look up table containing associations of the subscription code to multiple telephone numbers. As such, the Office Action has failed to establish a prima facie conclusion of obviousness and Amended independent claims 39 is allowable over the combination of Masek, Riskin and Crockett for at least this reason.

Further, the Office Action concedes that the combination of Masek and Riskin fails to describe the use of a Round Robin technique to select a subscriber but proceeds by asserting that Crockett cures this discrepancy in the combination of Masek and Riskin. However, Applicant asserts that Crockett is concerned with using constraint and preference rules using a bias factor to direct calls to call centers and does not describe a Round Robin selection process. Crockett more specifically describes making the call routing decision by starting with a list of valid destinations and applying the rule until a unique destination has been selected. (Col. 5, l. 54-65). Applicant respectfully points out that Crockett specifically mentions using percentages and biases as part of the selection rules and does not describe using a look up table. Using an iterative selection method is not utilizing a Round Robin selection technique which is essentially taking each destination in a predefined order. Such a method is not iterative in order to find the next destination. Therefore, Crockett fails to describe the subject matter that is relied upon by the Office Action. Because none of Masek, Riskin or Crockett describes each and every claim element, the Office Action has failed to establish a prima facie case of obviousness and therefore amended independent claim 39 is allowable over the combination of Masek, Riskin and Crockett for at least this reason. Amended independent claim 42 recites similar subject matter and is therefore allowable for at least the same reason. Claim 40 depends from an allowable independent claim 39 and is therefore allowable for at least this same reason.

Claim 41

Applicant respectfully asserts that amended independent claim 41 recites subject matter not described by the combination of Masek, Riskin and Crockett. Specifically, the combination of Masek, Riskin and Crockett fails to describe provisioning a public office dialing plan trigger at each of at least one switch within the geographical area, wherein

the trigger is adapted to detect calls initiated by callers using one of the subscription codes. Support for the amendment may be found on page 14, paragraph [0051]. Because none of Masek, Riskin and Crockett describe the use of a public office dialing plan trigger the combination of Masek, Riskin and Crockett also fails to describe the use of a public office dialing plan trigger. Therefore the combination of Masek, Riskin and Crockett fail to describe each and every claim element. As such the Office action fails to establish a prima facie case of obviousness and the rejection in regards to amended independent claim 41 may now be withdrawn.

Conclusion

Applicant asserts that the application including claims 31-33 and 36-42 is in condition for allowance. Applicant requests reconsideration in view of the amendment and remarks above and further requests that a Notice of Allowability be provided. Should the Examiner have any questions, please contact the undersigned.

No fees are believed due other than that to be paid in conjunction with the RCE. However, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3025.

Respectfully submitted,

Date: June 01, 2007

/Arno Naeckel/

Arno Naeckel
Reg. No. 56,114

Withers & Keys, LLC
P.O. Box 71355
Marietta, Ga 30007-1355
(770) 518-9822